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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JASON ALLEN MAGGARD,

12 Petitioner,

No. CIV S-04-2196 GEB KJM P

13 vs.

14 THE PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Respondent.

ORDER

17 _____/
18 Petitioner, a state prisoner inmate proceeding pro se,
19 has filed an application for a writ of habeas corpus pursuant to
20 28 U.S.C. § 2254. The matter was referred to a United States
21 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
22 General Order No. 262.

23 On June 22, 2005, the magistrate judge filed findings
24 and recommendations herein which were served on all parties and
25 which contained notice to all parties that any objections to the
26 findings and recommendations were to be filed within twenty days.

1 Neither party has filed objections to the findings and
2 recommendations.

3 The court has reviewed the file and finds the findings
4 and recommendations to be supported by the record and by the
5 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED
6 that:

7 1. The findings and recommendations filed June 22,
8 2005, are adopted in full; and

9 2. Respondent's February 4, 2005 motion to dismiss is
10 granted and petitioner is permitted to file an amended petition
11 containing only exhausted claims within thirty days.

12 Dated: August 15, 2005

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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